

ENTERED

October 26, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JESUS ANTONIO ESQUIVEL,

Plaintiff,

v.

TEXAS COURT OF CRIMINAL
APPEALS,

Defendant.

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Civil Action No. 2:20-CV-00286

ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the January 15, 2021 Memorandum and Recommendation ("M&R") signed by Magistrate Judge Julie K. Hampton. (Dkt. No. 8). Magistrate Judge Hampton recommends that the Court deny *pro se* Plaintiff Jesus Antonio Esquivel's Petition for a Writ of Mandamus. (Dkt. No. 1).

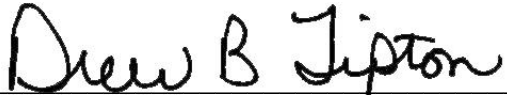
The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed objections, which were due by January 29, 2021.¹ As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005).

¹ Esquivel submitted a one-page entreaty requesting that the Court deny the M&R on February 4, 2021, in which he cites no law whatsoever. To the extent the letter could even be construed as an objection, it is time barred. *See* 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy [of the proposed findings and recommendations], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.")

No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the Court's Memorandum Opinion and Order. The Court **DENIES** Esquivel's Petition for a Writ of Mandamus. (Dkt. No. 1).

It is SO ORDERED.

Signed on October 25, 2021.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE